

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

LEWIS GREENBERG,)	
)	
Plaintiff,)	
)	
vs.)	No. 4:07-CV-1716 (CEJ)
)	
CITY OF BALLWIN, MISSOURI,)	
)	
Defendant.)	

MEMORANDUM AND ORDER

This matter is before the Court on plaintiff's motion for reconsideration [#13] of the Court's denial of a preliminary injunction against defendant. Defendant opposes the motion.

Plaintiff filed a motion seeking a preliminary injunction on November 9, 2007, specifically seeking to stop a municipal proceeding against him in the City of Ballwin relating to the artwork at issue in this case. The Court denied plaintiff's motion as moot, noting that it was not fully briefed until after the November 27, 2007 municipal trial. The Court noted that plaintiff did not indicate that any further proceedings were scheduled against him.


Plaintiff now contends that the Court should reconsider its ruling because the municipal proceedings are still ongoing in so far as the judge has not yet rendered a ruling. Plaintiff also asserts that his request for an injunction was not limited only to that isolated proceeding, but instead was aimed at "preventing defendant from taking any action against him" in relation to his constitutional rights.

The Court will not enjoin the municipal court from rendering a decision on the November 27, 2007 trial. The plaintiff presented his constitutional claims to the municipal court and that court should

therefore be given the opportunity to address them. Further, while plaintiff asks that the Court enjoin "any action" by defendant, he has not identified any proceeding, other than the trial on November 27, that would be subject to an injunction. Thus, there is no basis for reconsideration of the Court's prior order.

Accordingly,

IT IS HEREBY ORDERED that plaintiff's motion for reconsideration [13] is **denied**.



CAROL E. JACKSON
UNITED STATES DISTRICT JUDGE

Dated this 7th day of January, 2008.